

September 3, 2002

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**APPROVAL OF APPROPRIATION ADJUSTMENTS FOR INDIGENT DEFENSE AND
RAMPART-RELATED COSTS (ALL DISTRICTS AFFECTED) (3-VOTES)**

IT IS RECOMMENDED THAT YOUR BOARD:

1. Approve appropriation adjustments transferring \$242,000 from the Alternate Public Defender (APD) and \$1,800,000 from the Public Defender (PD) to the Trial Court Operations' indigent defense budget for Rampart-related expenditures.
2. Approve an appropriation adjustment transferring \$3,748,000 from the Provisional Financing Uses (PFU) budget of which \$2,600,000 is for the District Attorney (DA) and \$1,148,000 is for the Trial Court Operations' indigent defense budget for Rampart-related expenditures.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended action is to reimburse Trial Court Operations for increased indigent defense representation expenditures for Rampart-related private panel attorney costs and to reimburse the DA for Rampart investigation expenditures.

During the two-day Budget Deliberations held on June 25 and 26, 2001, your Board approved the transfer of \$9.5 million in the PFU to fund justice-related departments impacted by the City of Los Angeles Rampart investigation as follows: \$4.0 million to the Public Defender, \$2.7 million to the Alternate Public Defender, and \$2.8 million to the Trial Court Operations' indigent defense budget.

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This transfer provided the PD and APD with full funding for the increased workload caused by the Rampart investigation. Both departments agreed to make every effort to fill all vacant positions as soon as possible to eliminate the unavailability associated with Rampart. However, since hiring and training of attorneys normally requires six to nine months, departments committed to reimburse the Trial Court Operations budget from their Rampart allocation in the event of hiring delays.

Additionally, the transfer provided Trial Court Operations with funding for increased private panel attorney costs including the post-conviction representation of indigent Rampart defendants originally conflicted by the PD/APD and the post-conviction representation of indigent SB 1342 defendants originally conflicted by the PD/APD and related DNA testing costs.

The \$3.7 million set aside in the PFU to address the DA's Rampart-related operational requirements remained in the PFU due to uncertainties in the workload data projected by the DA. The DA was allowed to incur the expenditures and bill the PFU for reimbursement to cover Rampart-related operational costs.

Since then, the DA has reported lower than anticipated Rampart-related costs for fiscal year 2001-02. In addition, because of PD/APD hiring delays, the Trial Court Operations' indigent defense budget has continued to be impacted by Rampart-related unavailability and associated private panel attorney costs.

We recommend the transfer of \$0.2 million from the APD, \$1.8 million from the PD, and \$1.1 million from the PFU to the Trial Court Operations' indigent defense budget for indigent defense representation attributable to Rampart-related unavailability and the transfer of \$2.6 million from the PFU to the DA for Rampart investigation expenditures.

Implementation of Strategic Plan Goals

These actions are consistent with the County's Strategic Plan Goal of Fiscal Responsibility.

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FISCAL IMPACT/FINANCING

These recommendations propose the transfer of existing funding to identified departments for additional fiscal year 2001-02 expenditures.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Not applicable.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of these recommendations will allow your Board to address the critical funding requirements for Rampart-related expenditures.

Respectfully submitted,

DAVID E. JANSSEN
Chief Administrative Officer

DEJ:DL
RMG:lbm

Attachments (3)

c: William R. Mangan, District Attorney
John Naimo, Auditor-Controller
Lloyd Pellman, County Counsel
Janice Fukai, Alternate Public Defender
Robert Kalunian, Public Defender
John Clarke, Superior Court